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Docket No.: PF-0181-2 CON

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addressed to: Commissioner for Patents, Washington, D.C. 20231 on

October 9, 2001

By: 

Printed Name: Nanley L. Glynn

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hillman et al.

Title: HUMAN MEMBRANE PROTEIN

Serial No.: 09/898,216

Filing Date: July 02, 2001

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

RESPONSE TO NOTICE TO COMPLY/SUBMISSION OF FORMAL DRAWINGS

Sir:

In response to the Notice of Omitted Item(s), dated August 9, 2001, (copy attached), Applicants submit the attached corrected Formal Drawings.

REMARKS

Applicants submit herewith (8) sheets of Formal Drawings, including Figure(s) 1A, 1B, 1C, 1D, 2A, 2B, 2C, and 3, for this application, which are submitted to be true copies of the Formal Drawings filed in the grandparent application 08/781,562, filed January 9, 1997, now issued U.S. Patent No. 5,763,589, issued June 9, 1998. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the front side of the drawings.

Applicants submit that the Formal Drawings, which, *inter alia*, expanded originally filed Figs. 1A and 1B to four pages, including Figures 1C and 1D, were intended to be filed with the application as filed on July 2, 2001. In fact, the specification as filed, as was noted by the Examiner, had been amended to reflect the submission of these expanded Formal Drawings to four sheets for Figure 1, by changing all references from "Figures 1A and 1B" to -- Figures 1A, 1B, 1C and 1D --. Unfortunately, this was overlooked during the preparation of the application for filing, and the original informal Figures we filed

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instead.

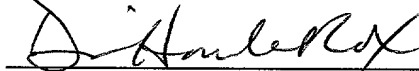
Applicants request that the Patent and Trademark Office enter the attached drawings in the above-referenced application,

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 09-0108. This form is enclosed in duplicate.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: 9 October 2001



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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/898,216	07/02/2001	Jennifer L. Hillman	PF-0181-2 CON

CONFIRMATION NO. 3495

FORMALITIES LETTER



OC000000006401482

INCYTE GENOMICS, INC.
PATENT DEPARTMENT
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Palo Alto, CA 94304

Date Mailed: 08/09/2001

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **1c&1d** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a

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supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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